IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 09/588,879	§		
Filed: June 6, 2000	§	Examiner:	England, David E.
Inventor:	§	Group/Art Unit:	2143
Nobuyoshi Morimoto	§	Atty. Dkt. No:	5596-00200
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Title: System and Method for Identifying Individual Users Accessing a Web Site	§		
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REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in reply to the Examiner's Answer mailed July 11, 2008. Appellant respectfully requests that this Reply Brief be entered pursuant to 37 C.F.R. § 41.41 and considered by the Board of Patent Appeals and Interferences.

REPLY

First ground of rejection:

The Examiner rejected claims 16, 18-20, 24, 26, 28-30, 33, 34, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Shapira (U.S. Patent 6,925,442) in view of what is allegedly well known in the art. Appellant traverses this rejection for at least the following reasons.

Claims 16, 18, and 19:

1. Regarding independent claim 16, contrary to the Examiner's assertion, Shapira in view of what is allegedly well known in the art clearly fails to teach or suggest ***a web site server operable to: store one or more identifiers, wherein each identifier corresponds to a computer user accessing said web site, wherein said each identifier comprises an Internet address and a time value, wherein the time value is associated with a launch of a web browser on the client computer system; receive a request from a first computer user to access the web site, wherein said request comprises a first identifier corresponding to said first computer user accessing said web site, wherein said first identifier comprises a first Internet address, and a first time value associated with a launch of a web browser on the client computer system; and identify said first identifier as a distinct computer user if said searching for said first identifier did not result in a match, wherein a match comprises a match between the first Internet address, and the Internet address in one of said one or more stored identifiers and a match between the first time value and the time value in the one of said one or more stored identifiers.***

Citing Shapira in paragraph 45 of the Response to Arguments section of the Office Action mailed September 21, 2007, the Examiner asserts that "[it] is very clear that the server receives the traffic data hit 11a and that what is sent in this traffic data hit,

as explained in the tables found in column 4, is a GMT time of the request." **However, the Examiner has overlooked the fact that Shapira does not teach or suggest that the GMT time of the request is sent by the remote visitor."** Rather, Shapira says in column 1, line 40, that *at the website* each hit is "encoded with the date and time of the access."

In his Answer, the Examiner notes that Shapira names five **sources** of traffic data hits, asserting that "the traffic data hit can come from the visitor" and that "this reads on the first part of the claim language." Indeed, there is no dispute that the request recited in claim 16 does come from a computer user seeking to access a web site. The Examiner next observes that **each traffic data hit** 11 of Shapira is a string of ASCII data [col. 4, line 27] whose format consists of seven fields shown in a table [col. 4, lines 35-49]. The Examiner also observes that one of those seven fields, element 33, includes the date and time of the access, and the time offset from GMT. But Shapira explicitly states that a **raw traffic data hit** is ***not*** in the format shown in the cited table at column 4. Rather, **the contents of each field in the format are determined by the Web server from data exchanged between the Web server and the source of the traffic data hit 11, and the information pulled from the exchanged data is stored into traffic data hit 11 by the server** [column 4, lines 18-26]. At this juncture, it is important to recall what constitutes a **traffic data hit**, according to Shapira. At column 3, lines 26-27, Shapira states that a traffic data hit encompasses not just the request by the remote visitor to the web site, but also the reply by the web site to the visitor. In the next paragraph, Shapira states explicitly that ***traffic data hits are generated by the server.*** While a visitor to a web site may send a request to that web site, the corresponding traffic data hit itself is generated by the server, and encompasses both the request by the visitor and the reply from the web site. Continuing at column 5, line 37, Shapira writes that **after the Web server sends data back to the remote visitor** containing an "OK" message, and the requested web page, the **Web server then writes an entry, traffic data hit 11a**, in its log file memorializing the request for the web page, storing several important pieces of information, such as the *remote visitor's Internet address*, the *time and date of the request*, the *request issued by the remote visitor* ("GET/portal_ad.htm HTTP/1.0"), and

the referring URL. Thus, the visitor's Internet address, the time and date of the visitor's request, the request itself ("GET/portal_ad.htm HTTP/1.0"), and the referring URL are all distinct elements entered by the Web server into the traffic data hit 11a, and recorded in the log file. It is therefore clear that the Web server itself writes traffic data hit entry 11a, and that this occurs ***after*** the raw request from the visitor has been received, and ***after*** the Web server has responded with an "OK" message and with the requested web page. Nowhere does Shapira teach or suggest that *the remote visitor has sent a time value in the request*, as required by claim 16.

2. Further in regard to independent claim 16, even if a request in Shapira did include a time value, Shapira clearly does not teach or suggest the limitation of claim 16 that a time value included with the request is associated with the launch of a web browser on the client computer system, as recited in claim 16. In paragraph 47 of the Response to Arguments section of the Office Action mailed September 21, 2007, the Examiner asserts that "with the Examiner's scenario, a browser is opened and the 'home page' is called upon which would send a Traffic Data Hit, associated with Shapira, and in this traffic data hit there would be a time of request as taught by Shapira." As outlined in the remarks pertaining to the Examiner's paragraph 45, **the request issued by the remote visitor is not described in Shapira as including any time value at all, let alone a time value associated with the launch of a web browser on the client computer system**. To the contrary, as shown above, Shapira explicitly teaches that the time of the request is determined at the server. In paragraph 48 of the Response to Arguments section, the Examiner asserts that it is well known that Microsoft's® Internet Explorer and Netscape's® Internet Browser have the ability to have a home page of the user's choosing open when Internet Explorer is launched. **However, the Examiner has not provided any evidence of record showing that when Microsoft's® Internet Explorer or Netscape's® Internet Browser access a home page after being launched that a time value associated with the launch of the browser is included with the request.** In fact, Appellant asserts that these browsers specifically do **not** include a time value when accessing a home page after being launched. Neither Shapira nor any other evidence of record teaches the above-noted limitation of claim 16.

In his Answer, the Examiner agrees with the Appellant that neither Microsoft Internet Explorer nor Netscape® Internet Browser includes a time value associated with the launch of the browser in the request. However, the Examiner asserts that the browser can be "used in combination" with Shapira "to send the information that is in the 'hit data'" of Shapira. Appellant notes that the browser's request to access a home page is but the first in a sequence of events culminating in the **generation by the Web server of a traffic data hit corresponding to the browser's initial home page request** (see part 1 above). It is only *after* the Web server replies to the initial request with an "OK" message and the requested web page, that the Web server of Shapira writes an entry, traffic data hit 11a, in its log file to memorialize the request for the web page, storing several important pieces of information, such as the *remote visitor's Internet address*, the *time and date of the request*, the *request issued by the remote visitor* ("GET/portal_ad.htm HTTP/1.0"), and *the referring URL*. Therefore the browser, when making the initial home page request, cannot possibly possess the "hit data" to send to the Web server, since that data has not yet been generated by the Web server. Examiner's hypothetical combination defies sequential logic. Appellant reiterates that it is the Web server of Shapira which encodes a time and date of access after receiving a request. Shapira never suggests that the remote visitor sends the time of the request. Moreover, the Web server in Shapira, that generates the hit data, clearly does not make any association of a time value with the launch of the browser that sent the request. The Web server in Shapira has no way of knowing when a requestor's browser was launched.

3. Moreover, Shapira does not disclose using a time value included in the request, and associated with a launch of a web browser on the client computer system, to identify a first identifier as a distinct computer user, as recited in the limitations of Appellant's claim. The limitations of claim 16 recite that the "first time value associated with the launch of a web browser on the client computer system" is used to identify "a distinct computer user," in contrast with Shapira's techniques. Specifically, as is very clearly illustrated in Fig. 8 and described at col. 7, line 42 – col. 8, line 6, Shapira uses the time of the current hit only to determine whether or not the current hit is

part of a current session or a new session for the same visitor. **Shapira does not use the time of the current hit to identify a *distinct* user – Shapira only uses the time of the current hit to determine whether or not the current hit is part of a current session or a new session for the same visitor.** In fact, Shapira only teaches a cookie for identification of particular visitors accessing a web site, described in the second table, column 4 as being "permissively used to identify a particular visitor."

In his Answer, the Examiner asserts that the Appellant has not defined the term "distinct user." In fact, claim 16 clearly describes the conditions necessary and sufficient to qualify an identifier of the type recited in the claim as identifying a distinct computer user. The Examiner further asserts that users can be identified as being distinct if they have different addresses, noting Shapira's inclusion of user addresses in the records for traffic data hits. This has no bearing on Appellant's claim 16, which recites *identifying a particular identifier as a distinct computer user if searching already-stored identifiers for that particular identifier does not result in a match, where a match requires that both the Internet address and the time value of an already-stored identifier agree with the Internet address and the time value of the particular identifier, according to the recited limitations placed on the identifiers.* As has already been shown, Shapira does not teach or suggest constructing identifiers as recited in claim 16. Furthermore, **Shapira tracks visitor *sessions*, not distinct visitors** [col. 7, lines 49-50]. The traffic data hits of Shapira are assigned to visitor sessions [col. 7, line 14 and line 34-36]. "**A visitor *session* is a *sequence of hits* received from a *single visitor*. The sequence extends between the first hit until a predetermined time after the most recent hit has lapsed without further hits** [col. 7, lines 44-47, emphasis added]." "Each visitor session, of course, is associated with a ***single visitor*** [col. 7, lines 50-51]." Appellant reiterates that Shapira neither teaches nor suggests identification of distinct computer users according to the limitations of Appellant's claim 16.

In his Answer, the Examiner also apparently asserts that starting a new visitor session, as recited in Shapira, is equivalent to determining a distinct computer user as recited in Appellant's claim 16. However, the identifiers recited in claim 16 are

constructed in a different way than Shapira constructs traffic data hits, and claim 16 recites using the identifiers differently than Shapira uses its traffic data hits. The identifiers recited in claim 16 contain an Internet address *and* a time value which is associated with the launch of the client web browser requesting access to the web site, and which is sent by the client computer to the web site. Shapira's traffic data hits do not contain such a time value. Instead, the time value in Shapira's traffic data hit contains only the time of access, and that time value is not sent by the client computer to the web site, but rather encoded by the web site into the traffic data hit record. Moreover, Shapira starts a new visitor session for a single visitor from a particular Internet address whenever a predetermined session time elapses between that visitor's attempts to access the web site of Shapira [col. 7, lines 63-67]. According to the Appellant's method, this same visitor of Shapira would *not* be identified as a distinct computer user whenever a predetermined session time elapsed between the visitor's access requests. As long as the client computer user does not relaunch the web browser, that user will *not* be counted as a distinct computer user when making further access requests, per the method of claim 16.

4. The limitations of independent claim 16 further require that a match comprises a match between the first Internet address, and the Internet address in one of said one or more stored identifiers and a match between the first time value and the time value in the one of said one or more stored identifiers, where both the time value stored by the web site server and the first time value included with the request are associated with a launch of a web browser on the client computer system. Under the Examiner's "home page" hypothetical, *Shapira's system would never have such a match*. The Examiner's unsupported hypothetical posits an initial "home page" request from a just-launched web browser possibly having a time value associated with the launch of the browser. However, to meet the limitations for a match recited in claim 16, the Web server database in Shapira would have to have already stored an entry including a time value associated with the launch of the browser. This would not be possible in the Examiner's scenario, since no request prior to the "home page" request would have been received. Under the Examiner's "home page" hypothetical, the home page request would be the first request after the launch of the browser; **therefore, the**

web site could not already have stored an entry with a time value associated with the launch of the browser that could be compared to the time value for the "home page" request. ***In his Answer, the Examiner did not even attempt to respond to this argument, beyond referring to "the combination of responses to arguments made above."***

5. Examiner has not provided a valid reason to modify Shapira in view of what is well known in the art.

First of all, the Examiner's assertion of what is well known in the art is actually **not** known in the art. Typical web browsers do not include the time of requests in the requests, let alone a time associated with the launch of the browser. No evidence of record supports the Examiner's assertion. In paragraph 14 of the Final Office Action, Examiner states that it is well known in the art that browser applications can have a "home page" that is requested when the browser application is launched. Examiner states that it would have been obvious "to synchronize a browser time with a global standard when the browser is launched because if the teachings of Shapira's synchronization with requested web pages were to occur with a "home page" that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above." Examiner's reasoning is circular, amorphous, and conclusory. The Examiner fails to provide any evidence of record or any other valid reason to support his assertion. Moreover, as shown above, the Examiner's proposed combination would not result in Appellant's invention as recited in claim 16.

In his Answer, the Examiner asserts that "Shapira's invention teaches all aspects of the Appellant's invention but does not explicitly teach this happening when a browser is launched." Examiner's assertion is both sweeping and unclear. On the one hand, Examiner asserts that "Shapira's invention teaches all aspects of the Appellant's invention," but on the other hand, that Shapira's invention "does not explicitly teach this

happening when a browser is launched." It is not clear what the Examiner means by the latter assertion.

In his Answer, the Examiner further asserts that "Shapira's invention is already synchronized with a standard time, i.e., GMT, and using that time when a web page is requested to determine if a user is new." In fact, as has already been thoroughly discussed, Shapira's determination for whether to begin a new visitor session is based upon a predetermined time having elapsed since the visitor's most recent request, but Shapira does not teach or suggest a identifying a distinct computer user in the manner recited in claim 16. Examiner also refers to "Shapira's ability to send time information with a request." In fact, Shapira never teaches or suggests that *the remote visitor sends a time value in the request*, as has been clearly argued above. The Examiner apparently seeks to combine the sending of a home page request when the client's browser is opened with Shapira's alleged "ability to send time information with a request." But Shapira never suggests that *the remote visitor sends a time value in the request*, much less a time value *associated with the launch of a web browser on the client computer system*, as recited in claim 16. Examiner asserts that the hypothetical combination would be obvious because the use of a time request would aid in determining whether to start a new visitor session for a visitor, and because a visitor session would stay open indefinitely unless time were used to make the determination. These assertions are completely irrelevant to the Applicant's claim. They pertain solely to Shapira's invention. In fact, Shapira does make a time calculation in deciding whether to start a new visitor session, *and* Shapira has absolutely no need for the remote visitors to send a time value in their requests. Shapira simply calculates how much time has elapsed between a visitor's current and preceding request. Examiner still fails to provide any evidence of record or any other valid reason to support his assertion of obviousness. Moreover, Examiner's hypothetical combination would not result in Appellant's invention as recited in claim 16.

Independent claim 19 includes limitations similar to those discussed above regarding independent claim 16, and so the arguments presented above apply with equal force to that claim as well.

For at least the reasons given above, the rejection of independent claims 16 and 19 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 20, 24, 26, 28, and 29:

Independent claims 20, 26, and 29 include the limitation, "wherein the time value reflects a time at which a computer used by the first computer user to access the web site was synchronized with a global time standard," or a similar limitation, and also include limitations involving determining whether the first computer user is a distinct user by comparing stored synchronization time values with synchronization time values received with a request. Shapira in view of what is well known in the art fails to teach or suggest any such synchronization, much less receiving a request that includes a time value reflecting a time at which a computer used by the first computer user to access the web site was synchronized with a global time standard, or **determining whether the first computer user is a distinct user by comparing such a synchronization time value with stored synchronization time values.** Shapira's server is not described as receiving a time value with a request at all. Moreover, even if a time value were included with the requests in Shapira, any such time value would not reflect a time at which a computer used by the first computer user to access the web site was synchronized with a global time standard. The time value recited in Shapira is explicitly described as the time the request for access was received by the Web server, not a time at which a computer used by the first computer user to access the web site was synchronized with a global time standard. Furthermore, Shapira uses time values to distinguish between visitor sessions for the same visitor, not to identify a distinct computer user in the manner recited in claim 20.

In the Response to Arguments section of the office action mailed September 21, 2007, paragraph 55, the Examiner again refers to Shapira's table in column 4, and to column 5, lines 41 et seq., asserting that Shapira's time was set or "synchronized" with a global time standard. On this basis, and in reference to claim 20, the Examiner concludes

that "the prior art teaches the claim language as stated by the Applicant." **The Examiner has apparently misread the claim.** The claim does not state that the time is recorded in a global time format. Instead, the claim recites that the time value reflects a time at which a computer used by the first computer user to access the web site was synchronized with a global time standard. In contrast, Shapira explicitly teaches, e.g., in column 1, line 40, that each hit is encoded with date and time of access. Thus, the time recorded in Shapira is the time the Web server is accessed, not a time when the user's computer was synchronized to a global time standard. Moreover, as elaborated before, the date and time of access in Shapira is memorialized by the server itself, not sent to the server by the remote visitor's computer. Shapira mentions absolutely nothing of the remote visitor's computer being synchronized with a global time standard, as recited claim 20, nor that the request sent by the remote visitor's computer includes a time value reflecting a time at which the computer was synchronized with a global time standard, as further recited in claim 20.

In his Answer, the Examiner asserts that "the time and date are placed in a message, traffic data hit, at the instant the request was generated." As has been clearly demonstrated above, this assertion is wrong. Appellant reiterates that **Shapira's traffic data hits are generated by the server *after* a request from the visitor has been received**, and after the Web server has responded with an "OK" message and with the requested web page. The Web server writes an entry, traffic data hit 11a, in its log file to memorialize the request for the web page, storing several important pieces of information, such as the *remote visitor's Internet address*, the *time and date of the request*, the *request issued by the remote visitor* ("GET/portal_ad.htm HTTP/1.0"), and *the referring URL*. Examiner further asserts that "the user's system is considered to always use this [GMT] time which can be interpreted as the system always being synchronized with the time." In fact, Shapira mentions absolutely nothing of the remote visitor's computer being synchronized with a global time standard, as recited claim 20, nor that the request sent by the remote visitor's computer includes a time value reflecting a time at which the computer was synchronized with a global time standard, as further

recited in claim 20. **Examiner's remarks are not only factually inaccurate, but also completely fail to address the substance of Appellant's previous arguments**.

For at least the reasons given above, the rejection of independent claims 20, 26, and 29 is not supported by the cited art and removal thereof is respectfully requested.

Claims 30, 33, 34, 36, and 37:

1. Regarding independent claim 30, contrary to the Examiner's assertion, Shapira in view of what is well known in the art clearly fails to teach or suggest receiving a request from a computer user to access the web site, wherein said request comprises an Internet address and a time value corresponding to said computer user accessing said web site, wherein *said time value is associated with a launch of a web browser on a computer operated by said computer user*; determining whether the computer user is counted as a web hit by *comparing said time value and said Internet address with a database of time value information and Internet address information stored from previous web site accesses, wherein said stored time value information is associated with a launch of a web browser*.

Citing Shapira in paragraph 45 of the Response to Arguments section of the Office Action mailed September 21, 2007, the Examiner asserts that "[it] is very clear that the server receives the traffic data hit 11a and that what is sent in this traffic data hit, as explained in the tables found in column 4, is a GMT time of the request." **But Shapira does not teach or suggest that the GMT time of the request is sent by the remote visitor."** Rather, Shapira says in column 1, line 40, that *at the website* each hit is "encoded with the date and time of the access."

In his Answer, the Examiner notes that Shapira names five **sources** of traffic data hits, asserting that "the traffic data hit can come from the visitor" and that "this reads on the first part of the claim language." Indeed, there is no dispute that the request recited in claim 30 does come from a computer user seeking to access a web site. The Examiner

next observes that **each traffic data hit** 11 of Shapira is a string of ASCII data [col. 4, line 27] whose format consists of seven fields shown in a table [col. 4, lines 35-49]. The Examiner also observes that one of those seven fields, element 33, includes the date and time of the access, and the time offset from GMT. But Shapira explicitly states that a **raw traffic data hit** is ***not*** in the format shown in the cited table at column 4. Rather, **the contents of each field in the format are determined by the Web server from data exchanged between the Web server and the source of the traffic data hit 11, and the information pulled from the exchanged data is stored into traffic data hit 11 by the server** [column 4, lines 18-26]. At this juncture, it is important to recall what constitutes a **traffic data hit**, according to Shapira. At column 3, lines 26-27, Shapira states that a traffic data hit encompasses not just the request by the remote visitor to the web site, but also the reply by the web site to the visitor. In the next paragraph, Shapira states explicitly that ***traffic data hits are generated by the server.*** While a visitor to a web site may send a request to that web site, the corresponding traffic data hit itself is generated by the server, and encompasses both the request by the visitor and the reply from the web site. Continuing at column 5, line 37, Shapira writes that **after the Web server sends data back to the remote visitor** containing an "OK" message, and the requested web page, the **Web server then writes an entry, traffic data hit 11a**, in its log file memorializing the request for the web page, storing several important pieces of information, such as the *remote visitor's Internet address*, the *time and date of the request*, the *request issued by the remote visitor* ("GET/portal_ad.htm HTTP/1.0"), and *the referring URL*. Thus, the visitor's Internet address, the time and date of the visitor's request, the request itself ("GET/portal_ad.htm HTTP/1.0"), and the referring URL are all distinct elements entered by the Web server into the traffic data hit 11a, and recorded in the log file. It is therefore clear that the Web server itself writes traffic data hit entry 11a, and that this occurs ***after*** the raw request from the visitor has been received, and ***after*** the Web server has responded with an "OK" message and with the requested web page. Nowhere does Shapira teach or suggest that *the remote visitor has sent a time value in the request*, as required by claim 30.

2. Further in regard to independent claim 30, even if a request in Shapira did include a time value, Shapira does not teach or suggest the limitation of claim 30 that a time value included with the request is associated with the launch of a web browser on the client computer system, as recited in claim 30. In paragraph 47 of the Response to Arguments section of the Office Action mailed September 21, 2007, the Examiner asserts that "with the Examiner's scenario, a browser is opened and the 'home page' is called upon which would send a Traffic Data Hit, associated with Shapira, and in this traffic data hit there would be a time of request as taught by Shapira." As outlined in the remarks pertaining to the Examiner's paragraph 45, **the request issued by the remote visitor is not described in Shapira as including any time value at all, let alone a time value associated with the launch of a web browser on the client computer system**. In paragraph 48 of the Response to Arguments section, the Examiner asserts that it is well known that Microsoft's® Internet Explorer and Netscape's® Internet Browser have the ability to have a home page of the user's choosing open when Internet Explorer is launched. **However, the Examiner has not provided any evidence of record showing that when Microsoft's® Internet Explorer or Netscape's® Internet Browser access a home page after being launched that a time value associated with the launch of the browser is included with the request.** In fact, Appellant asserts that these browsers specifically do **not** include a time value when accessing a home page after being launched. Neither Shapira nor any other evidence of record teaches the above-noted limitation of claim 30.

In his Answer, the Examiner agrees with the Appellant that neither Microsoft Internet Explorer nor Netscape® Internet Browser includes a time value associated with the launch of the browser in the request. However, the Examiner asserts that the browser can be "used in combination" with Shapira "to send the information that is in the 'hit data'" of Shapira. Appellant notes that the browser's request to access a home page is but the first in a sequence of events culminating in the **generation by the Web server of a traffic data hit corresponding to the browser's initial home page request** (see part 1 above). It is only *after* the Web server replies to the initial request with an "OK" message and the requested web page, that the Web server of Shapira writes an entry,

traffic data hit 11a, in its log file to memorialize the request for the web page, storing several important pieces of information, such as the *remote visitor's Internet address*, the *time and date of the request*, the *request issued by the remote visitor* ("GET/portal_ad.htm HTTP/1.0"), and *the referring URL*. Therefore the browser, when making the initial home page request, cannot possibly possess the "hit data" to send to the Web server, since that data has not yet been generated by the Web server. Examiner's hypothetical combination defies sequential logic. Appellant reiterates that it is the Web server of Shapira which encodes a time and date of access after receiving a request. Shapira never suggests that the remote visitor sends the time of the request.

3. Moreover, Shapira does not disclose using a time value included in the request, and associated with a launch of a web browser on the client computer system, to determine whether the computer user is counted as a web hit, as recited in the limitations of Applicant's claim. The limitations of claim 30 recite that the time value associated with a launch of a web browser on the client computer system is used to identify a distinct computer user, in contrast with Shapira's techniques. Specifically, as is very clearly illustrated in Fig. 8 and described at col. 7, line 42 – col. 8, line 6, Shapira uses the time of the current hit only to determine whether or not the current hit is part of a current session or a new session for the same visitor. **Shapira does not use the time of the current hit to identify a distinct user – Shapira only uses the time of the current hit to determine whether or not the current hit is part of a current session or a new session for the same visitor.** In fact, Shapira only teaches a tracking cookie for identification of distinct users accessing a web site, described in the second table, column 4 as being "permissively used to identify a particular visitor."

In his Answer, the Examiner asserts that the Appellant has not defined the term "distinct user." In fact, claim 30 clearly describes the elements used in determining whether to count a computer user as a web hit. The Examiner further asserts that users can be identified as being distinct if they have different addresses, noting Shapira's inclusion of user addresses in the records for traffic data hits. This has no bearing on Appellant's claim 30, which recites *determining whether the computer user is counted as*

a web hit by comparing the Internet address and time value included in the request with a database of previous such requests, where the time values are all associated with the launch of a web browser. As has already been shown, Shapira does not teach or suggest computer requests constructed like those recited in claim 30. Furthermore, **Shapira tracks visitor *sessions*, not distinct visitors** [col. 7, lines 49-50]. The traffic data hits of Shapira are assigned to visitor sessions [col. 7, line 14 and line 34-36]. "**A visitor *session* is a *sequence of hits* received from a *single visitor*. The sequence extends between the first hit until a predetermined time after the most recent hit has lapsed without further hits** [col. 7, lines 44-47, emphasis added]." "Each visitor session, of course, is associated with a ***single visitor*** [col. 7, lines 50-51]." Appellant reiterates that Shapira neither teaches nor suggests determining whether a computer user is counted as a web hit in the manner recited in Appellant's claim 30.

In his Answer, the Examiner also apparently asserts that starting a new visitor session, as recited in Shapira, is equivalent to determining whether a computer user is counted as a web hit, in the manner recited in Appellant's claim 30. Examiner explicitly asserts that Shapira's determination for beginning a new visitor session is "virtually the same as the Appellant's invention to determine hits." However, the requests recited in claim 30 are constructed differently than Shapira's traffic data hits, and Appellant processes the requests recited in claim 30 differently than Shapira processes Shapira's traffic data hits. The requests recited in claim 30 contain an Internet address *and* a time value which is associated with the launch of the client web browser requesting access to the web site, and which is sent by the client computer to the web site. Shapira's traffic data hits do not contain such a time value. Instead, the time value in Shapira's traffic data hit contains only the time of access, and that time value is not sent by the client computer to the web site, but rather encoded by the web site into the traffic data hit record. Moreover, Shapira starts a new visitor session for a single visitor from a particular Internet address whenever a predetermined session time elapses between that visitor's attempts to access the web site of Shapira [col. 7, lines 63-67]. According to the Appellant's method, this same visitor of Shapira would *not* be counted as a web hit whenever a predetermined session time elapsed between the visitor's access requests. As

long as the Appellant's client computer user does not relaunch the web browser, that user will *not* be counted as web hit when making further access requests.

Independent claims 34 and 37 include limitations similar to those discussed above regarding independent claim 30, and so the arguments presented above apply with equal force to those claims as well.

For at least the reasons given above, the rejection of independent claims 30, 34, and 37 is unsupported by the cited art and removal thereof is respectfully requested.

Second Ground of Rejection:

The Examiner rejected claims 1-3, 5, 7-9, 11, 12, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of Gerace (U.S. Patent 5,991,735). Appellant traverses this rejection for at least the following reasons.

Claims 1, 2, 5, 7, 8, 9, 11, and 15:

1. Regarding independent claim 1, Shapira in view of Gerace clearly fails to teach or suggest receiving a first request from a first computer to access the web site, sending a request for information to the first computer, where the information includes a first Internet address and a first time value corresponding to the first computer, receiving the information and determining whether a matching record for the first Internet address and the first time value exists in the database. The Examiner admits that Shapira fails to teach sending a request for information including an Internet address and a first time value corresponding to the first computer in the context of receiving a request from the first computer to access a web site, and of determining whether there is a matching record for the Internet address and time value. The Examiner relies on Gerace, column 13, line 56 through column 14, line 25, and column 16, lines 45 –55, to remedy this deficiency. In the cited text, Gerace teaches that the Web server responds to a **new user** by having the Home Page effectively request a

user name and a password. In response to receiving data provided by the new user, the main routine **builds a new cookie** which includes a *unique user identification code, the time and date of the user's login, and a computer identification number used to distinguish between home and work logins.* The main routine *transmits the created cookie to the user's PC* for storage and future use. Contrary to the Examiner's assertion, Gerace does *not* teach that the Web server transmits a request to the user's PC for an Internet address and a time value. Gerace only teaches that for a *new* user, the Web server builds the cookie containing the *unique user identification code, the time and date of the user's login, and the computer identification number,* and then transmits that newly built cookie to the user's PC. In Gerace's system, there is *no* request transmitted to the user's PC for an Internet address and a time value. Examiner further asserts that Gerace teaches that the **login procedure** "requests information that contains a time and date of login and a computer identification number." On the contrary, once again, Gerace only teaches that a cookie **built by the Web server** for a new user contains the *unique user identification code, the time and date of the user's login, and the computer identification number*. Examiner also asserts that the computer identification number of Gerace "could be interpreted as an internet address." The computer identification number sent to the user's PC in Gerace's cookie is *not* described as an Internet address, but rather as a *number used to distinguish between home and work logins.* It is a "unique users computer ID" **assigned by the Web server** when the new cookie is built by the Web server [column 5, lines 27-28].

As for users who are *not* new, but already possess a cookie, Gerace recites that each time a user logs on to program 31 (a software part of the Web server; see column 4, lines 14-27), which includes a user profiling member 73, an advertisement module 75 and a program controller 79 (see column 4, line 65 to column 5, line10), a "**user session object 37d records the starting date and time and ending date and time of the session** [column 7, lines 4-6, emphasis added]." The user session object 37d (part of a set of user objects containing "general information about users and their computers, as well as specific data on each computer session undertaken by the users," and functionally equivalent to profiling member 73 [column 6, lines 14-27]) **also records the user's**

identification number found in the cookie **that is** ***passed to the Web server by the user's computer upon logging in***. [column 7, lines 4-15]. Thus, in Gerace, for the case in which a user already possesses a cookie, the Web server *does not* transmit a request to the user's PC for an Internet address and a time value. Instead, the **cookie** built by Gerace's Web server and stored on the user's PC is ***passed to the Web server by the user's computer upon logging in***, and **is used by the Web server for the purpose of *identifying the user according to the user's unique computer identification number*. The Web server itself also "records the starting date and time and ending date and time of the session."** In no case does Gerace suggest that the Web server transmits a request to the user's PC for an Internet address and a time value.

In contrast to Gerace, Shapira has no need for user logins, user names, and passwords. Shapira's goal is entirely different from Gerace's. Shapira wants to analyze traffic data generated by a Web server by tracking visitor sessions, which are sequences of hits received from a single visitor. The traffic data hits 11a of Shapira are all encoded with several important pieces of information, including the *remote visitor's Internet address* and the *time and date of the remote visitor's request*. Shapira does not need to collect time values from remote visitors, as has been exhaustively explained in the arguments given above against the first ground of rejection. The Examiner asserts that it would have been obvious to augment Shapira's invention with Gerace's login capability because it would enable the identification of specific users and their preferences. But there is nothing in Shapira to suggest the need for or usefulness of such a system. In fact, requiring user logins makes no sense in Shapira's system. Shapira tracks visitor sessions to Web servers from visitors at large, not just from a select group of users with secure accounts on a particular system. Shapira aims at marketing and advertising to the broad public, and at determining visitor quality and analyzing the effectiveness of the operator's advertising. Examiner's further assertion that a login system would confer upon Shapira security from predators seeking unauthorized access to specific information is outlandish. Shapira analyzes open commercial traffic on a Web server. There is absolutely no suggestion in the teaching of Shapira of the need for a login system. Such a system would impede and run counter to normal operations at many commercial Web servers.

Finally, even if Shapira's invention were augmented with the login capability of Gerace, the resulting combination would not result in Appellant's claimed invention as recited in claim 1.

In the Response to Arguments section of the Office Action mailed September 21, 2007, Examiner again cites Shapira in view of Gerace in paragraph 55, writing that "the use of Gerace's cookies and the information stored in those cookies, time and IP address, in combination with Shapira, teaches the claim language." However, Shapira teaches, in column 22, line 16, that each visitor session has its own unique timing clock, which the server constructs, as outlined above, by encoding the date and time of access of each hit into its log file. Therefore Shapira's system has no need for what the Examiner calls "Gerace's cookies and the information stored in those cookies" to generate the unique timing clocks. Applicant asserts that the Examiner's reasoning is completely unsupported by the actual teachings of the cited art.

In paragraph 55 of the Response to Arguments section, the Examiner states that he is using the same rationale to combine the teachings of the references that Appellant uses in his invention. **However, the Applicant's own rationale is not prior art. It is a fundamental premise of patent law that the Applicant's own teachings cannot be used against him.** Therefore, on its face, the Examiner's rejection is improper.

In his Answer, the Examiner did not even attempt to reply substantively to the preceding arguments. Instead, the Examiner questions the Appellant's reason for reciting a request to the first computer for information that includes the first computer's address in claim 1. Examiner's declamation evades the obligation to make a concrete and substantive answer, and contributes absolutely no meaningful response to Appellant's arguments.

In his Answer, the Examiner further makes the unsupported assertion that the combination of Shapira with Gerace "is utilizing (sic) with the same logic as the Appellant's invention." As has already been shown above, the idea of combining Gerace

with Shapira is completely mistaken, and even the hypothetical combination would not result in the Appellant's claimed invention as recited in claim 1.

In his Answer, the Examiner additionally asserts that "one can make the argument that the cookie would have other authorization or identification information included within it that the first request of Shapira does not." The Examiner makes this assertion without providing the alleged argument that "one can make." Moreover, as has already been shown above, the cookie automatically passed to the Web server by the user's computer upon logging in is used to identify the user according to the user's unique computer identification number. It is not used to ascertain time. The Web server itself records the starting date and time and ending date and time of the session. Neither Gerace nor Shapira teaches or suggests that the user sends a time value with the request. In both Gerace and Shapira, the Web server determines the time of the request.

2. Further in regard to claim 1, the cited art does not teach or suggest *determining whether a matching record for said first Internet address and said first time value exists in said database; and identifying said first computer as a distinct user if said matching record does not exist in said database*. This has been thoroughly demonstrated in the arguments given above.

Therefore, for at least the reasons given above, the rejection of independent claim1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to independent claims 9 and 15.

Claim 3:

Regarding dependent claim 3, Shapira in view of Gerace clearly fails to teach or suggest that the time value is associated with a user-defined event, namely the launch of web browser software on the first computer.

The arguments given above in connection with the corresponding limitation of claim 16 apply also to claim 3.

For at least the reasons given above, the rejection of dependent claim 3 is not supported by the cited art and removal thereof is respectfully requested.

Claims 12 and 14:

Regarding independent claim 12, contrary to the Examiner's assertion, Shapira in view of Gerace clearly fails to teach or suggest a client computer system that is operable to: launch a web browser software; execute a program to synchronize time; send a first request to said web site server to access the web site; receive a request for information from said web site server, wherein said information comprises a first Internet address and a first time value corresponding to said client computer system; and send said information.

The Examiner rejected independent claim 12 for the same reasons as claims 1, 2, 3, 5, 7, and 8. However, claim 12 includes limitations not recited in any of these claims. For example, claim 12 recites, "wherein the client computer system is operable to…**execute a program to synchronize time**," which is not recited in claims 1, 2, 3, 5, 7, and 8, and is not taught by Shapira in view of Gerace. **Since the Examiner failed to address the differences between claims 1, 2, 3, 5, 7, and 8 on the one hand, and claim 12 on the other, the Examiner has failed to state a *prima facie* rejection of claim 12. In his Answer, the Examiner did not even attempt to respond to this argument.**

Claim 12 does include some limitations similar to some of those discussed above regarding claim 1. Therefore, in regard to those limitations, the arguments presented above apply with equal force to this claim, as well. For example, as discussed above in regard to claim 1, the cited art does not teach or suggest a client computer that is operable to: receive a request for information from said web site server, wherein said information

comprises a first Internet address and a first time value corresponding to said client computer system; and send said information.

For at least the reasons given above, the rejection of claim 12 is unsupported by the cited art and removal thereof is respectfully requested.

Third Ground of Rejection:

The Examiner rejected claims 4, 10 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of Gerace and further in view of Bodnar et al. (U.S. Patent 6,295,541) (hereinafter "Bodnar"). Appellant traverses this rejection for at least the following reasons.

Claims 4 and 10:

Regarding dependent claim 4, Shapira in view of Gerace and further in view of Bodnar clearly fails to teach or suggest the method of claim 1, where the time value is generated by a time keeping device, and the time keeping device is configured to synchronize the time value with a global time-keeping standard clock.

At paragraph 34 of the Final Office Action, the Examiner states that "Shapira and Gerace teach said time value is generated by a time keeping device as described above, but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock." Examiner cites Bodnar at column 9, lines 18-60 to remedy this deficiency, asserting that "Bodnar teaches said time keeping device is configured to synchronize said time value with a global time keeping standard clock." But **Bodnar synchronizes multiple datasets**. [Title] The cited passage in Bodnar addresses the use of **timestamps** to **compare the relative timing for events on multiple datasets**. Bodnar may synchronize the various clocks on the respective devices for several datasets, but Bodnar does *not* teach or suggest synchronizing a time value of a time-keeping device with a global time-keeping standard

clock. Bodnar's clocks on the respective dataset devices may *themselves* be *kept in synchronization with each other*, either to the same value, or to equivalent values, or to values having a constant offset. The synchronization of Bodnar is made to synchronize various dataset devices with each other, *not* to synchronize a time value of a time-keeping device with a global time-keeping standard clock.

Continuing in the same passage cited by the Examiner, Bodnar states that in specific situations, his invention will work directly with timestamps from the clock of a *particular* dataset's device ***without*** **first converting such timestamps to a common time**. Bodnar declares *that this is done*, when possible, *to minimize problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device*. Thus, Bodnar uses the timestamps of one ***particular*** dataset's device so as to minimize or eliminate problems due to ***relative*** **drift** among a ***multiplicity*** of device clocks. This has absolutely no bearing on the limitations of Applicant's claim, that **the time keeping device is configured to synchronize the time value *with a global time-keeping standard clock*.**

Examiner asserts that it would have been obvious to combine Bodnar with Shapira and Gerace "because synchronizing clocks minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device," but does not explain what the cited "problems due to any relative drift in the devices' clocks" would be in the setting of Shapira. Moreover, Shapira accomplishes his aim of tracking visitor sessions, as described in the text from column 7, line 42 to column 8, line 6, without any need for correcting discrepancies between the time value on the user's computer and the time value on a global time-keeping standard clock. Shapira's Web server logs its own time values for each traffic data hit associated with a visitor session. [column 5, lines 39-50] Shapira emphasizes at column 7, lines 47-51, that his system tracks visitor sessions for single visitors, and the calculations associated with Figure 8 and its corresponding description [Shapira, column 7, line to column 8, line 6] are all made with respect to *time*

values logged by the Web server. The system of Shapira is impervious to clock drift on the user's computer.

The Examiner fails to provide any evidence of record or any other valid reason to support the modification of Shapira and Gerace with Bodnar. Furthermore, the Examiner has not explained *how* to combine Bodnar with Shapira and Gerace in a manner that would result in Appellants' claimed invention.

In his Answer, the Examiner made no attempt to respond to the substance of this argument. Instead, the Examiner simply writes "The use of Shapira's GMT is utilized as a global standard, as discussed above," again making an irrelevant comment, while avoiding the essential issues.

In his Answer, the Examiner finally asserts that "the combination of Shapira's global time and Bodnar's ability to synchronize clocks on devices read on the Appellant's claim language." The Examiner offers no evidence of record or any other reasoning in support of this assertion. As Appellant already demonstrated in the Appeal Brief, the Examiner's assertions regarding claim 4 are wrong.

Claim 13:

The rejection of claim 13 is improper for at least the reasons discussed above in regard to claim 12 and claim 4.

Fourth Ground of Rejection:

The Examiner rejected claims 17, 23, 27, 32 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of Bodnar. Appellant traverses this rejection for at least the following reasons.

Claim 17:

Regarding dependent claim 17, Shapira in view of Bodnar clearly fails to teach or suggest a time keeping device of the web site server computer system, where the time value of the time keeping device is synchronized with a global time keeping standard clock.

At paragraph 37 of the Final Office Action, the Examiner states that "Shapira teaches said time value is generated by a time keeping device as described above, but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock." Examiner cites Bodnar at column 9, lines 18-60 to remedy this deficiency, asserting that "Bodnar teaches said time keeping device is configured to synchronize said time value with a global time keeping standard clock." But **Bodnar synchronizes multiple datasets**. [Title] The cited passage in Bodnar addresses the use of **timestamps** to **compare the relative timing for events on multiple datasets**. Bodnar may synchronize the various clocks on the respective devices for several datasets, but Bodnar does *not* teach or suggest synchronizing a time value of a time-keeping device with a global time-keeping standard clock. Bodnar's clocks on the respective dataset devices may *themselves* be *kept in synchronization with each other*, either to the same value, or to equivalent values, or to values having a constant offset. Applicant reiterates that the synchronization of Bodnar is made to synchronize various dataset devices with each other, not to synchronize a time value of a time-keeping device with a global time-keeping standard clock.

Continuing in the same passage cited by the Examiner, Bodnar states that in specific situations, his invention will work directly with timestamps from the clock of a *particular* dataset's device ***without*** **first converting such timestamps to a common time**. Bodnar declares *that this is done*, when possible, *to minimize problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device*. Thus, Bodnar uses the timestamps of one ***particular*** dataset's device so as to minimize or eliminate problems due to ***relative*** **drift** among a ***multiplicity*** of device clocks. This has absolutely no bearing on the

limitations of Applicant's claim, for **synchronizing the time value of the time keeping device with a global time keeping standard clock.**

Examiner asserts that it would have been obvious to combine Bodnar with Shapira "because synchronizing clocks minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device," but does not explain what the cited "problems due to any relative drift in the devices' clocks" would be in the setting of Shapira. Moreover, Shapira accomplishes his aim of tracking visitor sessions, as described in the text from column 7, line 42 to column 8, line 6, without any need for correcting discrepancies between the time value on the user's computer and the time value on a global time-keeping standard clock. Shapira's Web server logs its own time values for each traffic data hit associated with a visitor session. [column 5, lines 39-50] Shapira emphasizes at column 7, lines 47-51, that his system tracks visitor sessions for single visitors, and the calculations associated with Figure 8 and its corresponding description [Shapira, column 7, line to column 8, line 6] are all made with respect to *time values logged by the Web server*. The system of Shapira is impervious to clock drift on the user's computer.

The Examiner fails to provide any evidence of record or any other valid reason to combine Bodnar with Shapira. Furthermore, the Examiner has not explained *how* to combine Bodnar with Shapira in a manner that would result in Appellant's claimed invention.

Claims 23 and 27:

The rejection of claims 23 and 27 is improper for at least the reasons discussed above in regard to claim 20 and claim 17.

Claims 32 and 35:

The rejection of claims 32 and 35 is improper for at least the reasons discussed above in regard to claim 30 and claim 17.

In his Answer, the Examiner made no attempt to respond to the substance of the Appellant's arguments against the fourth ground of rejection, beyond writing that "Claims 17, 23, 27, 32 and 35 also falls under the same argument and is therefore responded to in similar light as above."

Fifth Ground of Rejection:

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of Gerace and further in view of Farrow et al. (U.S. Patent 6,374,295) (hereinafter "Farrow"). Appellant traverses this rejection for at least the following reasons.

Claim 6:

Regarding dependent claim 6, Shapira in view of Gerace and further in view of Farrow clearly fails to teach or suggest that the database is an object-oriented database or a relational database.

Examiner states that "Shapira and Gerace do not specifically teach the database is an object oriented database or a relational database." To remedy this deficiency, the Examiner cites Farrow, whose invention "relates to the field information networking and more specifically to transmitting configuration information between a central database and one or more servers in a network." [column 1, lines 5-9] The central database of Farrow "is utilized to store network configuration information" according to the cited text at column 3, line 61 to column 4, line 17. Farrow states that because the central database is relational, it can log any configuration changes in a separate area. The Examiner asserts that it would be obvious to combine Farrow with Shapira and Gerace "because relational databases can log any configuration changes in a separate area, therefore,

giving the system possible versatility." But the logging of "configuration changes in a separate area" has no bearing upon Shapira's method for "determining the value of visitors to a web site" or upon Gerace's apparatus for "determining the profile of a computer user." Neither Shapira nor Gerace is directed at Farrow's "transmitting configuration information between a central database and one or more servers in a network." There does not appear to be any reason to use a relational database in Shapira's system. Moreover, even if the database of Shapira were relational, the cited art would still not yield the limitations of independent claim 1 and its dependent claim 6.

Additionally, the Examiner has not explained what is meant by the hypothetical "giving the system possible versatility," nor is there an indication of how to combine Farrow with Shapira and Gerace in a manner that would result in Appellant's claimed invention. The Examiner fails to provide any evidence of record or any other valid reason to combine Farrow with Shapira and Gerace.

For at least the reasons given above, the rejection of dependent claim 6 is unsupported by the cited art and removal thereof is respectfully requested.

In his Answer, the Examiner writes "Shapira utilizes similar fetchers in their storage system but does not call for a relational database." The Examiner leaves this curious statement unexplained and unsupported. Examiner makes further assertions of a general nature, writing that both Shapira and Farrow may store IP addresses, that relational databases are commonly used to store information about a device or a user, and that relational databases are a common means for storage. These general observations by the Examiner are irrelevant to the substantial argument already presented by the Appellant, and they appear instead of a response to the essential issues.

Sixth Ground of Rejection:

The Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of Farrow. Appellant traverses this rejection for at least the following reasons.

Claim 25:

Regarding dependent claim 25, Shapira in view of Farrow clearly fails to teach or suggest that the database is an object oriented database or a relational database.

At paragraph 42 of the Final Office Action, Examiner states that "Shapira does not specifically teach the database is an object oriented database or a relational database." To remedy this deficiency, the Examiner cites Farrow, whose invention "relates to the field information networking and more specifically to transmitting configuration information between a central database and one or more servers in a network." [column 1, lines 5-9] The central database of Farrow "is utilized to store network configuration information" according to the cited text at column 3, line 61 to column 4, line 17. Farrow states that because the central database is relational, it can log any configuration changes in a separate area. The Examiner asserts that it would be obvious to combine Farrow with Shapira "because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility." But the logging of "configuration changes in a separate area" has no bearing upon Shapira's method for "determining the value of visitors to a web site." Shapira is not directed at Farrow's "transmitting configuration information between a central database and one or more servers in a network." There does not appear to be any reason to use a relational database in Shapira's system. Moreover, even if the database of Shapira were relational, the cited art would still not yield the limitations of independent claim 20 and its dependent claim 25.

Additionally, the Examiner has not explained what is meant by the hypothetical "giving the system possible versatility," nor is there an indication of how to combine

Farrow with Shapira. The Examiner fails to provide any evidence of record or any other valid reason to combine Farrow with Shapira.

For at least the reasons given above, the rejection of dependent claim 25 is unsupported by the cited art and removal thereof is respectfully requested.

In his Answer, the Examiner writes "Shapira utilizes similar fetchers in their storage system but does not call for a relational database." The Examiner leaves this curious statement unexplained and unsupported. Examiner further makes further assertions of a general nature, writing that both Shapira and Farrow may store IP addresses, that relational databases are commonly used to store information about a device or a user, and that relational databases are a common means for storage. These general observations by the Examiner are irrelevant to the substantial argument already presented by the Appellant, and they appear instead of a response to the essential issues.

CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-20, 23-30, and 32-37 is erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge any fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5596-00200/RCK.

Respectfully submitted,

/Robert C. Kowert/
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